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ATTORNEYS FOR DEFENDANTS

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JOSHUA CHATWIN,

Plaintiff,

v.

DRAPER CITY; DRAPER CITY POLICE
DEPARTMENT; POLICE CHIEF MAC
CONNOLE; OFFICER J. PATTERSON, in his
individual and official capacity; OFFICER
DAVID HARRIS, in his individual and official
capacity; OFFICER HEATHER BAUGH, in
her individual and official capacity; and JOHN
DOES 1-10,

Defendants.

**ATTORNEY'S PLANNING MEETING
REPORT**

Civil No. 2:14-cv-00375
Judge Dale A. Kimball

PRELIMINARY MATTERS:

a. The nature of the claims and affirmative defenses is:

**On May 18, 2010, Plaintiff Joshua Chatwin was arrested for driving under
the influence of alcohol. Plaintiff brings claims of civil rights violations under 42
U.S.C. 1983, state constitutional violations, assault and battery, intentional infliction**

of emotional distress, and fraud against the Defendants Draper City and its officers, allegedly arising out of his interaction with Draper City officers leading up to and following his arrest. Defendants deny the allegations and assert the affirmative defenses of qualified immunity, governmental immunity, and other affirmative defenses to be determined after further discovery.

b. This case is ____X____not referred to a magistrate judge
____referred to magistrate judge _____
____under 636(b)(1)(A)
____under 636(b)(1)(B)
____assigned to a magistrate judge under General Order 07-001 and
____all parties consent to the assignment for all proceedings or
____one or more parties request reassignment to a district judge

c. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held **telephonically** on **December 5, 2014**.

The following attended:

Lisa A. Marcy, counsel for Joshua Chatwin;

R. Blake Hamilton, counsel for Draper City, Draper City Police Department, Police Chief Mac Connole, Officer J. Patterson, Officer David Harris, and Officer Heather Baugh.

d. The parties _____ request / **X** do not request an initial pretrial scheduling conference with the court prior to entry of the scheduling order. An initial pretrial scheduling conference is set before Magistrate Judge Evelyn J. Furse on December 10, 2014, at 10:30 a.m.

e. The parties _____ have exchanged or **X** will exchange by **1/15/15** the initial disclosures required by Rule 26(a)(1).

f. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) e-mail transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. DISCOVERY PLAN: The parties jointly propose to the court the following discovery plan: Use separate paragraphs or subparagraphs as necessary if the parties disagree.

a. Discovery is necessary on the following subjects: **Discovery will be needed in Draper City Police Department policies, procedures, patterns and practices, Monell issues, and in the events leading up to and following the arrest of Plaintiff.**

b. Discovery Phases.

Specify whether discovery will **be conducted in phases**.

c. Designate the discovery methods to be used and the limitations to be imposed.

(1) For oral exam depositions, (i) specify the maximum number for the plaintiff(s) and the defendant(s), and (ii) indicate the maximum number of hours unless extended by agreement of the parties.

Oral Exam Depositions

Plaintiff(s) **20**

Defendant(s) **20**

Maximum no. hrs. per deposition **7**

(2) For interrogatories, requests for admissions, and requests for production of documents, specify the maximum number that will be served on any party by any other party.

Interrogatories 25

Admissions 25

Requests for production of documents 25

(3) Other discovery methods: Specify any other methods that will be used and any limitations to which all parties agree.

d. Discovery of electronically stored information should be handled as follows: Brief description of parties' agreement.

The parties agree that all ESI has been and will be preserved in connection with litigation. The parties agree that all electronic documents shall be turned over in a mutually agreeable format and, if a mutually agreeable format cannot be agreed upon, the parties shall deliver documents as .pdfs bearing distinct bates numbers. The documents shall be turned over as they are kept in the regular course of business. The parties shall utilize best efforts not to produce duplicate documents and implement best practices relating to "de-duplication."

e. The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows: **Defendants seek to deem certain records confidential. Any privilege or protection is not waived by disclosure connected with this litigation.**

f. Last day to file written discovery and last day to file standard motions to compel

9/15/15

g. Close of fact discovery **12/15/15**

h. (optional) Final date for supplementation of disclosures under Rule 26 (a)(3) and of discovery under Rule 26 (e) __/__/__

3. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES:

a. The cutoff dates for filing a motion to amend pleadings are:

Plaintiff(s): 1/15/15 Defendant(s): 2/16/15

b. The cutoff dates for filing a motion to join additional parties are:

Plaintiff(s): 1/15/15 Defendants(s): 2/16/15

(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed.R.Civ.P. 15(a)).

4. EXPERT REPORTS:

Reports from experts under Rule 26(a)(2) will be submitted on: specify dates

Plaintiff: 1/15/16

Defendant: 2/15/16

Counter-Reports: 3/15/16

5. OTHER DEADLINES:

a. **Expert Discovery cutoff: 5/16/16**

b. Deadline for filing dispositive or potentially dispositive motions including motions to exclude experts where expert testimony is required to prove the case.

6/15/16.

c. Deadline for filing partial or complete motions to exclude expert testimony
6/15/16.

6. ADR/SETTLEMENT:

Use separate paragraphs/subparagraphs as necessary if the parties disagree.

- a. The potential for resolution before trial is: ___ good **X** fair ____ poor
- b. This case should **not** be referred to the court's alternative dispute resolution program.
- d. The parties will re-evaluate the case for settlement/ADR resolution on: **9/15/16.**

7. TRIAL AND PREPARATION FOR TRIAL:

- a. The parties should have _____ days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than 14 days provided by Rule).
- b. This case should be ready for trial by: **10/17/16**

Specify type of trial: **Jury**

The estimated length of the trial is **5 days**.

/s/ Lisa A. Marcy (by permission)
Lisa A. Marcy

Date: 12/09/14

/s/ R. Blake Hamilton
R. Blake Hamilton

Date: 12/09/14

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the **ATTORNEY PLANNING MEETING REPORT** was served this 9th day of December, 2014, via CM/ECF electronic filing upon the following:

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/s/ Melani Thatcher